

SECOND REGULAR SESSION

SENATE BILL NO. 899

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DEMPSEY.

Pre-filed December 21, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3860S.021

AN ACT

To repeal sections 43.650, 589.402, and 589.407, RSMo, and to enact in lieu thereof four new sections relating to sex offender information.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 43.650, 589.402, and 589.407, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 43.650, 43.651,
3 589.402, and 589.407, to read as follows:

43.650. 1. The patrol shall, subject to appropriation, maintain a web page
2 on the Internet which shall be open to the public and shall include a registered
3 sexual offender search capability.

4 2. The registered sexual offender search shall make it possible for any
5 person using the Internet to search for and find the information specified in
6 subsection 4 of this section, if known, on offenders registered in this state
7 pursuant to sections 589.400 to 589.425, RSMo, except that only persons who
8 have been convicted of, found guilty of or plead guilty to committing or
9 attempting to commit sexual offenses shall be included on this web site.

10 3. The registered sexual offender search shall include the capability to
11 search for sexual offenders by name, zip code, and by typing in an address and
12 specifying a search within a certain number of miles radius from that address.

13 4. Only the information listed in this subsection shall be provided to the
14 public in the registered sexual offender search:

- 15 (1) The name and any known aliases of the offender;
- 16 (2) The date of birth and any known alias dates of birth of the offender;
- 17 (3) A physical description of the offender;
- 18 (4) The residence, temporary, work, and school addresses of the offender,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 including the street address, city, county, state, and zip code;

20 (5) Any photographs of the offender;

21 (6) A physical description of the offender's vehicles, including the year,
22 make, model, color, and license plate number;

23 (7) The nature and dates of all offenses qualifying the offender to register;

24 (8) The date on which the offender was released from the department of
25 mental health, prison, or jail, or placed on parole, supervised release, or probation
26 for the offenses qualifying the offender to register; [and]

27 (9) Compliance status of the offender with the provisions of section
28 589.400 to 589.425, RSMo; and

29 **(10) Any online identifiers, as defined in section 43.651, used by**
30 **the person. Such online identifiers shall not be included in the general**
31 **profile of an offender on the webpage and shall only be available to a**
32 **member of the public by a search using the specific online identifier to**
33 **determine if a match exists with a registered offender.**

43.651. 1. As used in this section, the following terms shall mean:

2 **(1) "Electronic mail", the transmission of information or**
3 **communication by the use of the Internet, a computer, a facsimile**
4 **machine, a pager, a cellular telephone or other wireless communication**
5 **device, a video recorder, or other electronic means sent to a person**
6 **identified by a unique address or address number and received by that**
7 **person;**

8 **(2) "Entity", a business or organization that provides Internet**
9 **service, electronic communications service, remote computing service,**
10 **online service, electronic mail service, or electronic instant message or**
11 **chat services whether the business or organization is within or outside**
12 **this state;**

13 **(3) "Instant message or IM", a form of real time text**
14 **communication between two or more people. The communication is**
15 **conveyed via computers connected over a network such as the Internet,**
16 **or between cell phone or wireless communication device users, or over**
17 **a cell phone or wireless communication device network;**

18 **(4) "Online identifier", includes all of the following: electronic**
19 **mail address and instant message screen name, user ID, cell phone**
20 **number or wireless communication device number or identifier, chat**
21 **or other Internet communication name, or other identity information.**

22 **2. Subject to appropriations, the patrol shall make registry**

23 information regarding a registered sexual offender's online identifiers
24 available to an entity for the purpose of allowing the entity to
25 prescreen users or for comparison with information held by the entity
26 as provided by this subsection.

27 (1) The information obtained by an entity from the state sexual
28 offender registry shall not be used for any purpose other than for
29 prescreening its users or comparing the database of registered users of
30 the entity against the list of online identifiers of persons in the state
31 sexual offender registry in order to protect children from online sexual
32 predators. The patrol shall promulgate rules and regulations regarding
33 the release and use of online identifier information. Any rule or
34 portion of a rule, as that term is defined in section 536.010, RSMo, that
35 is created under the authority delegated in this section shall become
36 effective only if it complies with and is subject to all of the provisions
37 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This
38 section and chapter 536, RSMo, are nonseverable and if any of the
39 powers vested with the general assembly pursuant to chapter 536,
40 RSMo, to review, to delay the effective date, or to disapprove and annul
41 a rule are subsequently held unconstitutional, then the grant of
42 rulemaking authority and any rule proposed or adopted after August
43 28, 2008, shall be invalid and void.

44 (2) Any entity desiring to prescreen its users or compare its
45 database of registered users to the list of online identifiers of persons
46 in the state sexual offender registry may apply to the patrol to access
47 the information. An entity that complies with the rules and regulations
48 promulgated by the patrol regarding the release and use of the online
49 identifier information and pays the fee established by the patrol may
50 screen new users or compare its database of registered users to the list
51 of online identifiers of persons in the state sexual offender registry as
52 frequently as the patrol may allow for the purpose of identifying a
53 registered user associated with an online identifier contained in the
54 state sexual offender registry.

55 (3) Any entity complying with this subsection in good faith shall
56 be immune from any civil or criminal liability resulting from:

57 (a) The entity's refusal to provide system service to a person on
58 the basis that the entity believed that the person was required to
59 register under sections 589.400 to 589.425, RSMo;

60 **(b) A person's criminal or tortious acts when the person is**
61 **required to register pursuant to sections 589.400 to 589.425, RSMo, and**
62 **the person complied with the requirement to register their online**
63 **identifiers under section 589.407, RSMo, and committed the criminal or**
64 **tortious acts against a minor with whom he or she had communicated**
65 **on the entity's system by using their registered online identifier; or**

66 **(c) Any activity for which the entity would be immune from**
67 **liability under 47 U.S.C. Section 230.**

589.402. 1. The chief law enforcement officer of the county or city not
2 within a county may maintain a web page on the Internet, which shall be open
3 to the public and shall include a registered sexual offender search capability.

4 2. The registered sexual offender search shall make it possible for any
5 person using the Internet to search for and find the information specified in
6 subsection 3 of this section, if known, on offenders registered in this state
7 pursuant to sections 589.400 to 589.425, except that only persons who have been
8 convicted of, found guilty of, or plead guilty to committing or attempting to
9 commit sexual offenses shall be included on this web site.

10 3. Only the information listed in this subsection shall be provided to the
11 public in the registered sexual offender search:

12 (1) The name and any known aliases of the offender;

13 (2) The date of birth and any known alias dates of birth of the offender;

14 (3) A physical description of the offender;

15 (4) The residence, temporary, work, and school addresses of the offender,
16 including the street address, city, county, state, and zip code;

17 (5) Any photographs of the offender;

18 (6) A physical description of the offender's vehicles, including the year,
19 make, model, color, and license plate number;

20 (7) The nature and dates of all offenses qualifying the offender to register;

21 (8) The date on which the offender was released from the department of
22 mental health, prison, or jail, or placed on parole, supervised release, or probation
23 for the offenses qualifying the offender to register; [and]

24 (9) Compliance status of the offender with the provisions of sections
25 589.400 to 589.425; **and**

26 **(10) Any online identifiers, as defined in section 43.651, RSMo,**
27 **used by the person. Such online identifiers shall not be included in the**
28 **general profile of an offender on the webpage and shall only be**

29 available to a member of the public by a search using the specific
30 online identifier to determine if a match exists with a registered
31 offender.

32 4. The chief law enforcement officer of any county or city not within a
33 county may publish in any newspaper distributed in the county or city not within
34 a county the sexual offender information provided under subsection 3 of this
35 section for any offender residing in the county or city not within a county.

589.407. 1. Any registration pursuant to sections 589.400 to 589.425 shall
2 consist of completion of an offender registration form developed by the Missouri
3 state highway patrol. Such form shall include, but is not limited to the following:

4 (1) A statement in writing signed by the person, giving the name, address,
5 Social Security number and phone number of the person, the license plate number
6 and vehicle description, including the year, make, model, and color of each vehicle
7 owned or operated by the offender, **any online identifiers, as defined in**
8 **section 43.651, RSMo, used by the person**, the place of employment of such
9 person, enrollment within any institutions of higher education, the crime which
10 requires registration, whether the person was sentenced as a persistent or
11 predatory offender pursuant to section 558.018, RSMo, the date, place, and a brief
12 description of such crime, the date and place of the conviction or plea regarding
13 such crime, the age and gender of the victim at the time of the offense and
14 whether the person successfully completed the Missouri sexual offender program
15 pursuant to section 589.040, if applicable; and

16 (2) The fingerprints and a photograph of the person.

17 2. The offender shall provide positive identification and documentation to
18 substantiate the accuracy of the information completed on the offender
19 registration form, including but not limited to the following:

20 (1) A photocopy of a valid driver's license or nondriver's identification
21 card;

22 (2) A document verifying proof of the offender's residency; and

23 (3) A photocopy of the vehicle registration for each of the offender's
24 vehicles.

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